

**EUROPEAN PATENT OFFICE (EPO)**

*Status as of May 2005*

<b>FEATURES</b>	<b>STATUS</b>	<b>CHANGES IN LAWS SINCE 1990</b>
<b>Types of protection for inventions</b>	<ul style="list-style-type: none"> <li>• Patents</li> </ul>	N.A
<b>Term of protection</b>	<ul style="list-style-type: none"> <li>• 20 years from the date of filing</li> <li>• Extension of patent term is not possible.</li> </ul>	No
<b>Subject matters excluded from patentability or not considered to be inventions</b>	<ul style="list-style-type: none"> <li>• The following subject matters are excluded from patentability:               <ul style="list-style-type: none"> <li>- Plant and animal varieties</li> <li>- Diagnostic, therapeutic and surgical methods for the treatment of humans and animals</li> <li>- Inventions contrary to morality/public order</li> </ul> </li> <li>• The following subject matters are not considered to be inventions:               <ul style="list-style-type: none"> <li>- Discoveries</li> <li>- Scientific theories/mathematical methods</li> <li>- Aesthetic creations</li> <li>- Mental acts</li> <li>- Presentation of information</li> <li>- Computer programs</li> <li>- Business methods</li> <li>- Traditional knowledge</li> </ul> </li> </ul>	September 1, 1999 – Introduction of clarifications regarding biotechnological inventions.
<b>Filing language</b>	<ul style="list-style-type: none"> <li>• Filing an application in languages other than official language is possible. The time limit to provide translation into an official language is 3 months from the filing date but no later than 13 months from the priority date.</li> </ul>	No

<b>Certain requirements relating to filing</b>	<ul style="list-style-type: none"> <li>• The inventor rarely waives his right to be mentioned in the patent.</li> <li>• It is not possible to file provisional applications.</li> <li>• The most frequent route used by applicants residents in States that are non-contracting parties to the European Patent Convention to file patent applications is the PCT procedure (Patent Cooperation Treaty).</li> </ul>	No
<b>Link between different inventions in the same application</b>	<ul style="list-style-type: none"> <li>• The applicable law requires that the claims in a patent application relate to a single invention only. The claims may also relate to a group of inventions so linked as to form a single general inventive concept.</li> </ul>	June 1, 1991 – Clarification regarding the concept of unity of invention: a technical relation between inventions must exist.
<b>Publication</b>	<ul style="list-style-type: none"> <li>• The information related to the application is published or open for public access 18 months from the filing date or from the priority date.</li> </ul>	No
<b>Classification system</b>	<ul style="list-style-type: none"> <li>• The patent classification system used is the International Patent Classification (IPC) system.</li> </ul>	N.A
<b>Search and examination</b>	<ul style="list-style-type: none"> <li>• The applicable law establishes a substantive search and examination system.</li> <li>• Search and examination are separated. The filing of an application automatically implies a search. However, the applicant is required to request the examination within 6 months from the date on which the European Patent Bulletin mentions the publication of the European search report. If the request for examination is not submitted by this time limit, the patent application is deemed withdrawn.</li> <li>• During the examination procedure, the following criteria are examined: <ul style="list-style-type: none"> <li>- Novelty</li> <li>- Inventive step/non obviousness</li> <li>- Industrial applicability/utility</li> <li>- The claims shall be clear and concise and be supported by the description.</li> <li>- Unity of invention</li> </ul> </li> </ul>	N.A

<b>Specific legal provision regarding ownership of patents derived from public (government) research funding</b>	No	No
<b>Exceptions to exclusive rights conferred by a patent</b>	<ul style="list-style-type: none"> <li>• Article 64, European Patent Convention states that:  “(1) A European patent shall, subject to the provisions of paragraph 2, confer on its proprietor from the date of publication of the mention of its grant, in each Contracting State in respect of which it is granted, the same rights as would be conferred by a national patent granted in that State.   (2) If the subject-matter of the European patent is a process, the protection conferred by the patent shall extend to the products directly obtained by such process.” ...</li> </ul>	No
<b>Options to challenge a patent</b>	<ul style="list-style-type: none"> <li>• There are different options to challenge a patent as follows: <ul style="list-style-type: none"> <li>- Post-grant administrative/quasi judicial procedures:  Opposition within 9 months from the publication of the mention of the grant of the European patent.   Appeal against the decision of the Opposition Division within 2 months after the date of notification of the decision appealed from.</li> <li>- Court procedure</li> </ul> </li> </ul>	No